

## NASHVILLE, TENNESSEE

**IN RE:**

**JOINT PETITION FOR ARBITRATION OF NEWSOUTH COMMUNICATIONS CORP, NUVOX COMMUNICATIONS, INC., KMC TELECOM V, INC., KMC TELECOM III LLC, AND XSPEDIUS COMMUNICATIONS, LLC ON BEHALF OF ITS OPERATING SUBSIDIARIES XSPEDIUS MANAGEMENT CO., SWITCHED SERVICES, LLC AND XSPEDIUS MANAGEMENT CO. OF CHATTANOOGA, LLC OF AN INTERCONNECTION AGREEMENT WITH BELL SOUTH TELECOMMUNICATIONS, INC.**

**DOCKET NO.**  
**04-00046**

## ORDER ACCEPTING PETITIONS FOR ARBITRATION

This matter is before the Pre-Arbitration Officer pursuant to the instruction of the voting panel<sup>1</sup> to determine whether the petition for arbitration of interconnection agreements between NewSouth Communications, Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communications, LLC on behalf of its operating subsidiaries Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Chattanooga, LLC (collectively “the CLECs”) and BellSouth Telecommunications, Inc. (“BellSouth”) should be accepted by the Tennessee Regulatory Authority (“TRA”).

The CLECs are seeking interconnection agreements with BellSouth pursuant to 47 U.S.C. § 251(a)(1) & (5). To this end, the CLECs and BellSouth are required to negotiate in good faith.<sup>2</sup> Since these efforts have so far been unfruitful, the CLECs petitioned the TRA for

<sup>1</sup> See *Order Appointing Pre-Arbitration Officer* (May 18, 2004).

<sup>2</sup> 47 U.S.C. § 251(c)(1)

arbitration as provided for under 47 U.S.C. § 252(b). The CLECs included with the petition for arbitration an Issues Matrix that was, thereafter, adopted by BellSouth and subsequently updated through a joint filing by the Parties on May 19, 2004.

Upon receipt of a proper petition for arbitration, the TRA is required to resolve all issues presented to it for consideration.<sup>3</sup> Because, in requesting arbitration from the TRA, the CLECs have complied with the requirements of federal law, the petition for arbitration is proper and is, therefore, accepted.

**IT IS THEREFORE ORDERED THAT:**

1. The TRA hereby accepts in this Docket the petition of the CLECs for arbitration with BellSouth.
2. The TRA adopts for purposes of this arbitration the issues identified in the joint Issues Matrix filed with the TRA on May 19, 2004.
3. Any subsequent modification of an issue statement in the joint Issues Matrix to be filed on June 25, 2004 is subject to the approval of the TRA.



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Kim Beals, Counsel  
as Pre-Arbitration Officer

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<sup>3</sup> 47 U.S.C. § 252(b)(4)(C)